

**IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
ALABAMA**

VOLANTE JONES, AIS 165217)	
)	
Plaintiff,)	
)	
)	
)	CASE NO. 3:05-CV-1050-T
CHARLES W. STORY, CIRCUIT)	
CLERK FOR CHAMBERS COUNTY)	
)	
Defendant.)	
)	

ANSWER OF DEFENDANT

COMES NOW Defendant CHARLES W. STORY, CIRCUIT CLERK FOR CHAMBERS COUNTY, by and through the undersigned counsel, and for his Answer to the above-styled action, states as follows:

Defendant denies each and every material allegation made in the Complaint, and demands strict proof thereof.

Defendant denies that he violated any of the Plaintiff's constitutional rights.

Defendant denies that he violated the Plaintiff's due process rights.

DEFENSES AND AFFIRMATIVE DEFENSES

The Plaintiff has failed to state a claim upon which relief may be granted.

The Defendant is immune from suit under the Eleventh Amendment to the United States Constitution.

The Defendant is immune from suit due to qualified immunity.

The Defendant is entitled to state agent immunity.

Defendant is entitled to sovereign immunity under Article 1, § 14 of the Alabama Constitution (1901).

Plaintiff has failed to prove the requisite injury.

Respectfully submitted,

TROY KING (KIN047)
Attorney General

s/ Benjamin H. Albritton
Benjamin H. Albritton (ALB008)
Assistant Attorney General

ADDRESS OF COUNSEL:

Office of the Attorney General
11 South Union Street
Montgomery, AL 36130
(334) 242-7300

CERTIFICATE OF SERVICE

I hereby certify that I have, this the 17th day of January, 2006, served a copy of the foregoing upon the Plaintiff by placing same in the United States Mail, postage prepaid and properly addressed as follows:

Volante Jones
AIS 165217
Holman Correctional Facility
3700 Holman
Atmore, AL 36503-3700

s/ Benjamin H. Albritton
Benjamin H. Albritton
Assistant Attorney General